

THURSDAY, JULY 12, 2001
SIXTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Overbey.

Representative Overbey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 99.

SPONSORS REMOVED

On motion, Rep(s). Hargett, Pleasant, Kent and Cole (Carter) was/were removed as sponsor(s) of **House Bill No. 1466**.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2041, was/were referred to the Delayed Bills Committee.

***House Bill No. 2041** -- Appropriations - Makes appropriations for fiscal year 2001-2002. by *Kisber.

REGULAR CALENDAR

Senate Bill No. 1668 -- Child Custody and Support - Authorizes genetic testing of persons other than parent and child to establish parentage; authorizes department of human services contractors to file for parentage test; makes numerous changes regarding provision of health insurance under child support order. Amends TCA Title 8; Title 24; Title 36; Title 37; Title 45; Title 68 and Title 71. by *Person, *Clabough. (*HB1391 by *Scroggs, *Boyer)

Further consideration of Senate Bill No. 1668 previously considered on July 11, 2001, at which time the Senate Bill was substituted for the House Bill and the bill was reset for today's Calendar.

Rep. Scroggs moved that Senate Bill No. 1668 be passed on third and final consideration.

Rep. Chumney moved to substitute Children and Family Affairs Committee Amendment No. 1 with Amendment No. 6, which motion prevailed.

Rep. Chumney moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 1668 By deleting the following section added by Senate Amendment No. 1:

SECTION ___. Tennessee Code Annotated, Section 36-5-101(e)(1), is amended designating the current language as item "(A)" by adding the following new language, to be designated as item "(B)":

(B) Notwithstanding any provision of this section or any other law or rule to the contrary, if the net income of the obligor exceeds ten thousand dollars (\$10,000) per month, then the custodial parent must prove by a preponderance of the evidence that child support in excess of the amount, *[calculated by multiplying the appropriate percentage set forth in the child support guidelines by a net income of ten thousand dollars (\$10,000) per month]*, is reasonably necessary to provide for the needs of the minor child or children of the parties. In making its determination, the court shall consider all available income of the obligor, as required by this chapter, and shall make a written finding that child support in excess of the amount so calculated is or is not reasonably necessary to provide for the needs of the minor child or children of the parties.

Rep. Scroggs moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes	72
Noes	19
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bowers, Boyer, Buck, Buttry, Clem, Cole (Carter), Cole (Dyer), Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ford, Fowlkes, Fraley, Givens, Godsey, Hagood, Hargett, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Maddox, McCord, McDaniel, McKee, McMillan, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, Westmoreland, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Bone, Briley, Brooks, Brown, Caldwell, Chumney, Cooper, Curtiss, Ferguson, Hargrove, Jones S, Langster, McDonald, Miller, Odom, Pruitt, Turner (Davidson), West, Windle -- 19.

Representatives present and not voting were: Jones U -- 1.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 2.

Rep. Chumney moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Bowers moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1668 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) There is hereby created a special house committee to study issues relating to child support.

(b) The committee shall consist of four (4) members of the House of Representatives to be appointed by the Speaker. At least two (2) members from the House of Representatives shall be members of the House Children and Family Affairs Committee.

(c) All appropriate state agencies shall provide assistance to the special committee upon request of the chair.

(d) During the course of its deliberations, the special committee shall endeavor to provide a forum for organizations and groups which have particular interest in and knowledge of these issues and that such organizations and groups include but are not limited to: the Tennessee Judicial Conference, the Tennessee General Sessions Judges Conference, Dads Against Discrimination, the Tennessee Council of Juvenile and Family Court Judges, the Tennessee Bar Association, the Tennessee District Attorneys General Conference, the Tennessee Commission on Children and Youth, MANNA and the National Child Support Enforcement Association (NCSEA).

(e) All legislative members of the special committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

(f) The special committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

(g) The special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the House of Representatives of the One Hundred Second General Assembly on or before March 30, 2002, at which time the committee shall cease to exist.

Rep. Scroggs moved that Amendment No. 4 be tabled, which motion was withdrawn.

Rep. Bowers moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Kernell moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Todd moved the previous question, which motion prevailed.

Rep. Scroggs moved that **Senate Bill No. 1668** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	9
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Brown, Bunch, Chumney, Cooper, Fitzhugh, Goins, McDonald, Turner (Shelby), Turner (Davidson) – 9.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

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Senate Bill No. 1897 -- General Assembly - Revises duties and removes obsolete references in law establishing legislative offices. Amends TCA Section 2-3-102; Section 3-1-103; Title 3; Section 4-15-102; Section 49-9-401 and Section 49-50-603. by *Cooper J. (*HB1650 by *Davidson)

Further consideration of Senate Bill No. 1897 previously considered on June 7, 2001, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. Davidson requested that Senate Bill No. 1897 be moved to the heel of the Calendar.

***House Bill No. 1515** -- TennCare - Requires any waiver submitted pursuant to recommendation of long-term care services planning council to allocate funds equitably between urban and rural areas. Amends TCA Title 4; Title 56; Title 68 and Title 71. by *Head. (SB1758 by *Haun, *Burks)

Further consideration of House Bill No. 1515 previously considered on June 23, 2001, June 26, 2001 and June 29, 2001, at which time it was reset for today's Calendar.

Rep. McMillan requested that House Bill No. 1515 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 1466 -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by *McMillan, *Naifeh, *Todd, *Hargett, *Stanley, *Kent, *Cole (Carter), *Pleasant, *Odom, *Newton, *Turner (Davidson), *Williams (Williamson), *Jones, S., *Briley, *Fitzhugh, *Shepard, *Turner (Hamilton). (*SB20 by *Kyle, *Person)

Further consideration of House Bill No. 1466 previously considered on July 11, 2001, at which time it was reset for today's Calendar.

Rep. McMillan requested that House Bill No. 1466 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 1283 -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Jones, S., *Garrett. (*SB1475 by *Dixon)

Further consideration of House Bill No. 1283 previously considered on June 23, 2001, June 24, 2001, June 27, 2001 and June 29, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1283 was made to conform with **Senate Bill No. 1475**; the Senate Bill was substituted for the House Bill.

Rep. S. Jones moved that Senate Bill No. 1475 be passed on third and final consideration.

On motion, Rep. Cole (Dyer) withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Cole (Dyer) moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1475 by adding the following new sections immediately preceding the last section and by renumbering the last section accordingly:

SECTION ____ Tennessee Code Annotated, Section 67-4-602, is amended by deleting the language "in all criminal cases" wherever it appears and by substituting instead the language "on all criminal charges, upon conviction or by order,".

SECTION ____ Tennessee Code Annotated, Section 67-4-602(a), is amended by adding the following sentence:

Provided, however, that such privilege tax shall be in addition to the privilege tax provided for general sessions court if the city court is exercising concurrent jurisdiction with general sessions court.

SECTION ____ Tennessee Code Annotated, Section 67-4-602(b), is amended by deleting the language "except criminal cases instituted in any city court" in the first and second sentences and by substituting instead the language "except criminal charges in any city court unless such court is exercising concurrent jurisdiction with general sessions court".

SECTION ____ Tennessee Code Annotated, Section 67-4-602(h), is amended by deleting the word "case" and by substituting the word "charge".

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. Armstrong moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. S. Jones moved that **Senate Bill No. 1475** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

Senate Bill No. 1988 -- Fayette County - Subject to local approval, authorizes imposition of adequate facilities tax. by *Wilder. (HB2024 by *Fitzhugh, *Naifeh)

Further consideration of Senate Bill No. 1988 previously considered on June 7, 2001, at which time the Senate Bill was substituted for the House Bill and the bill was reset for today's Calendar.

Rep. Fitzhugh moved that Senate Bill No. 1988 be passed on third and final consideration.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **Senate Bill No. 1988** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	4

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Bone, Turner (Shelby), West, Windle -- 4.

A motion to reconsider was tabled.

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House Bill No. 1582 -- Taxes - Imposes tax of \$5.00 on bail bonds; does not create new bail bond because of increase in amount of bond. Amends TCA Title 40, Chapter 11 and Title 67, Chapter 4. by *Rinks, *McDaniel, *Patton. (*SB1496 by *Person)

Further consideration of House Bill No. 1582 previously considered on May 24, 2001, May 29, 2001 and July 11, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1582 was made to conform with **Senate Bill No. 1496**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 1496 be passed on third and final consideration.

On motion, Rep. Cole (Dyer) withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Rinks moved that **Senate Bill No. 1496** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	8
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Beavers, Brown, Clem, Dunn, Hargett, Rowland, Shaw, Turner (Shelby) -- 8.

Representatives present and not voting were: Pleasant -- 1.

A motion to reconsider was tabled.

RECESS MOTION

On motion, the House stood in recess until 10:30 a.m.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 590: Rep(s). Armstrong, Boyer, Dunn, Hagood and Buttry as prime sponsor(s).

MESSAGE FROM THE SENATE
July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 588 and 589; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE
July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 649 and 1403; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS
July 12, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 649, 1403, also, House Joint Resolution(s) No(s). 588 and 589.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
July 12, 2001

The Speaker signed the following: House Bill(s) No(s). 649, 1403; also, House Joint Resolution(s) No(s). 588 and 589.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 649 and 1403; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

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MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 588 and 589; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

July 12, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 649, 1403; also, House Joint Resolution(s) No(s). 588 and 589.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 796, 1496 and 1988; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

SIGNED

June 12, 2001

The Speaker signed the following: Senate Bill(s) No(s). 796, 1496 and 1988.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for July 12, 2001:

House Resolution No. 179 -- Memorials, Personal Occasion - Mrs. Dora Emmons Wardlow, 100th birthday. by *Rinks.

House Resolution No. 180 -- Memorials, Recognition - Terra Murrell Day. by *Rinks.

House Joint Resolution No. 590 -- Memorials, Death - Bob J. Jones. by *Overbey, *Bittle.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Davidson, the roll call was dispensed with.

CONSENT CALENDAR

House Resolution No. 179 -- Memorials, Personal Occasion - Mrs. Dora Emmons Wardlow, 100th birthday. by *Rinks.

House Resolution No. 180 -- Memorials, Recognition - Terra Murrell Day. by *Rinks.

House Joint Resolution No. 590 -- Memorials, Death - Bob J. Jones. by *Overbey, *Bittle.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. S. Jones moved to lift from the table the motion to reconsider action in passing Senate Bill No. 1475, which motion prevailed.

***Senate Bill No. 1475** -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Dixon. (HB1283 by *Jones, S., *Garrett)

Rep. S. Jones moved to reconsider action in passing Senate Bill No. 1475, which motion prevailed.

Rep. S. Jones moved that Senate Bill No. 1475 be passed on third and final consideration.

Rep. S. Jones moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1475 by deleting the amendatory language of the effective date section and by substituting instead the following:

This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. S. Jones moved that **Senate Bill No. 1475**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives voting no were: Rowland -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on Senate Bill No. 1475 and have this statement entered in the Journal: Rep(s). Rowland.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1897 -- General Assembly - Revises duties and removes obsolete references in law establishing legislative offices. Amends TCA Section 2-3-102; Section 3-1-103; Title 3; Section 4-15-102; Section 49-9-401 and Section 49-50-603. by *Cooper J. (*HB1650 by *Davidson)

Further consideration of Senate Bill No. 1897 previously considered on today's Regular Calendar.

Rep. Davidson moved that Senate Bill No. 1897 be passed on third and final consideration.

Rep. Davidson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1897 By deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following new section:

Section ____ The chief clerk of either house, the director of any legislative staff office created pursuant to the provisions of this title, or any other person designated by either the speaker of the house of representatives or the speaker of the senate may copyright or trademark any material created or produced in any form or format which is produced by or recorded by a member of the staff of the general assembly. Any computer program, computer language, computer process or computer code may also be copyrighted or trademarked.

SECTION 2. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved that **Senate Bill No. 1897**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	2

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Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Beavers, Bowers -- 2.

A motion to reconsider was tabled.

RECESS MOTION

On motion, the House stood in recess until 2:00 p.m.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 526: Rep(s). Pinion, Todd, Kent, Cole (Carter) and Bowers as prime sponsor(s).

ENGROSSED BILLS July 12, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 590.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS July 12, 2001

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 179 and 180; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
July 12, 2001

The Speaker signed the following: House Resolution(s) No(s). 179 and 180.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Davidson, the roll call was dispensed with.

SUPPLEMENTAL REGULAR CALENDAR

House Bill No. 526 -- Child Custody and Support - Permits any grandparent to petition for visitation; court must determine danger of substantial harm to child and, if such danger is present, determine whether such visitation is in best interests of child. Amends TCA Title 36, Chapter 6, Part 3. by *Chumney, *Patton, *Garrett, *Boyer. (*SB397 by *Haynes)

Further consideration of House Bill No. 526 previously considered on May 7, 2001, May 9, 2001, May 16, 2001 and May 23, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 526 was made to conform with **Senate Bill No. 397**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 397 be passed on third and final consideration.

Rep. Fitzhugh moved the previous question, which motion prevailed.

Rep. Chumney moved that **Senate Bill No. 397** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	2

THURSDAY, JULY 12, 2001 – SIXTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks, Clem -- 2.

A motion to reconsider was tabled.

BILL RETURN REQUEST

Rep. Boyer moved that the Senate Bill No. 348 be returned to the Senate.

Rep. Buck moved the previous question on the motion to return Senate Bill No. 348 to the Senate, which motion prevailed.

Rep. Westmoreland moved to defer the motion to return **Senate Bill No. 348** until the next calendar, which motion prevailed.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m.

MESSAGE FROM THE SENATE July 12, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1808.

The Senate concurred in House Amendment(s) No(s). 2 and 5 and nonconcurred in House Amendment(s) No(s). 4.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1771; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Arriola, the roll call was dispensed with.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1808** -- Taxes - Enacts "The Tax Relief and Reform Act of 2001." Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Clabough. (HB1873 by *Cole (Dyer), *Head, *Walker, *Montgomery, *McCord, *Buttry, *Roach)

Rep. Cole (Dyer) moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 4 to **Senate Bill No. 1808**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1771 -- Campaigns and Campaign Finance - Regulates contributions on behalf of gubernatorial inauguration events; places limits on contributions and requires disclosure of significant contributions and expenditures. Amends TCA Title 2, Chapter 10. by *McMillan. (*SB1210 by *Cooper J)

Senate Amendment No. 1

AMEND House Bill No. 1771 by deleting the language "non-profit organization" in subsection (a) of Section 2-10-406 in the amendatory language of SECTION 1 of the bill and substituting instead the language "501(c)(3) non-profit organization"

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1771**, which motion prevailed by the following vote:

Ayes	78
Noes	7
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Hagood, Hargrove, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Scroggs, Shaw, Shepard, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

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Representatives voting no were: Baird, Beavers, Clem, Goins, Hargett, Rowland, Stanley -- 7.

Representatives present and not voting were: Bunch, Davis (Washington), Dunn, Harwell, Patton, Sargent, Sharp -- 7.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1515** -- TennCare - Requires any waiver submitted pursuant to recommendation of long-term care services planning council to allocate funds equitably between urban and rural areas. Amends TCA Title 4; Title 56; Title 68 and Title 71. by *Head. (SB1758 by *Haun, *Burks)

Further consideration of House Bill No. 1515 previously considered on today's Calendar.

On motion, House Bill No. 1515 was made to conform with **Senate Bill No. 1758**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 1758 be passed on third and final consideration.

Rep. Arriola moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Jones moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Head moved to substitute Amendment No. 4 with Amendment No. 5, which motion prevailed.

Rep. Head moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1758 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-1408, is amended by adding the following as new subsections:

(d) The commission on aging and disability shall equitably allocate funding resources between urban and rural areas to program components that provide services to elderly and disabled individuals in need of assistance who do not qualify for long-term care services under medical assistance pursuant to part 1 of this chapter.

(e) By August 1, 2001, the commission on aging and disability shall establish an average maximum statewide unit cost for service provided to elderly and disabled individuals in need of assistance who do not qualify for long-term care services pursuant to part 1 of this chapter. In developing the rate, the commission shall take into account the unit of service rate permitted for such service under any federal waiver for providing assistance under this chapter if such service is also provided under the federal waiver and in no case can it be more than twenty percent (20%) above the average statewide unit cost for that specific service.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Towns moved the previous question on Amendment No. 5, which motion was immediately withdrawn.

Rep. L. DeBerry moved the previous question on Amendment No. 5, which motion prevailed.

Rep. Brooks moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 1758 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

On motion, Amendment No. 6 was adopted.

Rep. Newton moved the previous question, which motion prevailed by the following vote:

Ayes	57
Noes	25
Present and not voting	1

Representatives voting aye were: Arriola, Bittle, Bone, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Hood, Johnson, Jones S, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Ridgeway, Rinks, Roach, Sands, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Davidson), Vincent, Walker, West, White, Williams, Windle, Wood, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Armstrong, Baird, Beavers, Black, Bowers, Brooks, Bunch, Chumney, Clem, DeBerry L, Dunn, Goins, Hagood, Hargett, Kent, Miller, Pleasant, Rhinehart, Rowland, Sargent, Sharp, Stanley, Todd, Turner (Hamilton), Turner (Shelby) -- 25.

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Representatives present and not voting were: Davis (Washington) -- 1.

Rep. Head moved that **Senate Bill No. 1758**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	61
Noes	25
Present and not voting	3

Representatives voting aye were: Arriola, Baird, Bittle, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Godsey, Goins, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Montgomery, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Sands, Scroggs, Shaw, Shepard, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, White, Williams, Wood, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Armstrong, Beavers, Black, Bone, Bowers, Bunch, Chumney, Clem, DeBerry L, Dunn, Hagood, Hargett, Kent, Miller, Pruitt, Rhinehart, Rowland, Sargent, Sharp, Stanley, Tindell, Todd, West, Windle, Winningham -- 25.

Representatives present and not voting were: Cooper, Kernell, Patton -- 3.

A motion to reconsider was tabled.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 7:30 p.m.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2038: Rep(s). Garrett as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Buttry, Montgomery, Roach and McCord was/were removed as sponsor(s) of **House Bill No. 1873**.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 469; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 469 -- Memorials, Academic Achievement - Holly Walker, Valedictorian, Celina High School. by *Burks.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 472; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 472 -- Memorials, Retirement - Carrie Hargrove. by *Haynes, *Cooper J, *Crutchfield, *Atchley.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 468; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 468** -- General Assembly, Studies - Creates 15-member Tax Structure Study Commission to be appointed by governor, speaker of senate and speaker of house of representatives to study tax infrastructure in Tennessee and report back to general assembly by February 1, 2003. by *Haynes, *Atchley, *Harper, *Kurita, *Jackson, *Burks.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2038; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for July 12, 2001:

House Resolution No. 181 -- Memorials, Personal Occasion - Mr. and Mrs. Charles Lowe, 50th Wedding Anniversary. by *Patton.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for July 17, 2001:

Senate Joint Resolution No. 469 -- Memorials, Academic Achievement - Holly Walker, Valedictorian, Celina High School. by *Burks.

Senate Joint Resolution No. 472 -- Memorials, Retirement - Carrie Hargrove. by *Haynes, *Cooper J, *Crutchfield, *Atchley.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Davidson, the roll call was dispensed with.

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 181 -- Memorials, Personal Occasion - Mr. and Mrs. Charles Lowe, 50th Wedding Anniversary. by *Patton.

Senate Joint Resolution No. 469 -- Memorials, Academic Achievement - Holly Walker, Valedictorian, Celina High School. by *Burks.

Senate Joint Resolution No. 472 -- Memorials, Retirement - Carrie Hargrove. by *Haynes, *Cooper J, *Crutchfield, *Atchley.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2038** -- Appropriations - Appropriates funds for 2001-2002. by *Kisber, *Kent, *Head. (SB2000 by *Henry, *Crutchfield, *Atchley, *Kyle)

Senate Amendment No. 2

AMEND House Bill No. 2038 by adding a new section by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Chapter ____ of the Public Acts of 2001 (Senate Bill 1914 / House Bill 1943) is amended by adding the following new item at the end of Section 36:

Item ____ To the Secretary of State for the publication of the 2001 Public and Private Acts in Section 1, Title III-3, Item 3.3.

Senate Amendment No. 4

AMEND House Bill No. 2038 by adding the following new item at the end of Section 12:

Item ____ In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$404,200 to fund the Tax Study Commission authorized by Senate Joint Resolution 468, if such resolution is adopted.

AND FURTHER AMEND by deleting the sum "\$243,776,300" in Item 1 of Section 53, as amended, and substituting the sum "\$244,180,500". This revision is subject to the adoption of Senate Joint Resolution 468.

Senate Amendment No. 5

AMEND House Bill No. 2038 by adding the following new item at the end of Section 10 of the bill:

Item _____. Notwithstanding any provision of this act to the contrary, it is recognized that extraordinary actions by the Commissioner of Finance and Administration may be required to achieve the overappropriation level provided herein. It is the legislative intent that the Commissioner be authorized to defer, reduce or otherwise effect savings of funds appropriated herein; provided, however, that the authority granted by this provision shall only be exercised insofar as permitted by law.

Senate Amendment No. 16

AMEND House Bill No. 2038 By adding the following new section to be appropriately designated:

Section _____. There is hereby appropriated to the Department of Environment and Conservation from revenues, fees or other funds derived from the development and operation of cabins at David Crockett State Park, a sum sufficient to pay for the debt service attributable to any obligations issued therefor pursuant to Senate Bill No. 1356 / House Bill No. 1244. Pursuant to procedures as may be determined by the Commissioner of Finance and Administration, such debt service payments shall be transferred to the debt service fund.

Rep. L. DeBerry moved to divide the question on House Bill No. 2038.

RESOLUTIONS LYING OVER

On motion, the resolution listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 468** -- General Assembly, Studies - Creates 15-member Tax Structure Study Commission to be appointed by governor, speaker of senate and speaker of house of representatives to study tax infrastructure in Tennessee and report back to general assembly by February 1, 2003. by *Haynes, *Atchley, *Harper, *Kurita, *Jackson, *Burks.

House Finance, Ways and Means Committee

HOUSE ACTION ON SENATE AMENDMENTS, CONTINUED

Rep. L. DeBerry withdrew the motion to divide the question on House Bill No. 2038.

Rep. Hood moved that the Budget Subcommittee take up Senate Joint Resolution No. 468, which motion prevailed.

RECESS MOTION

On motion, the House stood in a brief recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Davidson, the roll call was dispensed with.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2038** -- Appropriations - Appropriates funds for 2001-2002. by *Kisber, *Kent, *Head. (SB2000 by *Henry, *Crutchfield, *Atchley, *Kyle)

Further consideration of House Bill No. 2038 previously considered on today.

Senate Amendment No. 2

AMEND House Bill No. 2038 by adding a new section by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Chapter ____ of the Public Acts of 2001 (Senate Bill 1914 / House Bill 1943) is amended by adding the following new item at the end of Section 36:

Item ____ To the Secretary of State for the publication of the 2001 Public and Private Acts in Section 1, Title III-3, Item 3.3.

Senate Amendment No. 4

AMEND House Bill No. 2038 by adding the following new item at the end of Section 12:

Item ____ In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$404,200 to fund the Tax Study Commission authorized by Senate Joint Resolution 468, if such resolution is adopted.

AND FURTHER AMEND by deleting the sum "\$243,776,300" in Item 1 of Section 53, as amended, and substituting the sum "\$244,180,500". This revision is subject to the adoption of Senate Joint Resolution 468.

Senate Amendment No. 5

AMEND House Bill No. 2038 by adding the following new item at the end of Section 10 of the bill:

Item _____. Notwithstanding any provision of this act to the contrary, it is recognized that extraordinary actions by the Commissioner of Finance and Administration may be required to achieve the overappropriation level provided herein. It is the legislative intent that the Commissioner be authorized to defer, reduce or otherwise effect savings of funds appropriated herein; provided, however, that the authority granted by this provision shall only be exercised insofar as permitted by law.

Senate Amendment No. 16

AMEND House Bill No. 2038 By adding the following new section to be appropriately designated:

Section _____. There is hereby appropriated to the Department of Environment and Conservation from revenues, fees or other funds derived from the development and operation of cabins at David Crockett State Park, a sum sufficient to pay for the debt service attributable to any obligations issued therefor pursuant to Senate Bill No. 1356 / House Bill No. 1244. Pursuant to procedures as may be determined by the Commissioner of Finance and Administration, such debt service payments shall be transferred to the debt service fund.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2, 4, 5 and 16 to **House Bill No. 2038**, which motion prevailed by the following vote:

Ayes	72
Noes	25

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Davidson, Davis (Washington), Davis (Cooke), DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pleasant, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Bowers, Brooks, Brown, Chumney, Clem, Cooper, Curtiss, DeBerry J, Fitzhugh, Goins, Hargrove, Jones U, Miller, Odom, Phillips, Pruitt, Rhinehart, Ridgeway, Shaw, Towns, Turner (Shelby), Walker, West, Westmoreland, Windle -- 25.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1244; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1244 -- Bond Issues - Authorizes sale of \$2,000,000 in bonds to fund cabins and improvements at David Crockett State Park. by *White, *Garrett. (*SB1356 by *Jackson)

Amendment No. 1

AMEND House Bill No. 1244 by amending the existing Section 5 of the printed bill by deleting the last sentence and substituting instead the following:

Such other funds shall include a written agreement with Lawrence County and/or the City of Lawrenceburg by which the local governmental entities bind themselves to the State to cover any cost of the projects listed in Section 4 above related to the construction, operation and maintenance, including debt service, not otherwise paid for out of revenues generated by the projects.

Rep. White moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1244**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate has completed its business and is ready to adjourn until noon, Tuesday, January 8, 2002 in accordance with Senate Joint Resolution No. 474.

RUSSELL A. HUMPHREY, Chief Clerk.

SENATE READY TO ADJOURN

Senator Kyle notified the House that the Senate had completed its business and was ready to adjourn.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1170.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1170** -- Election Laws - Directs state coordinator of elections to study feasibility of internet voting in future state elections. Amends TCA Title 2. by *Herron. (HB1899 by *Shaw, *Chumney)

Rep. Shaw moved that Senate Bill No. 1170 be held on the Clerk's desk, which motion prevailed.

SELECT COMMITTEE APPOINTMENTS

The Speaker announced that he had appointed the following committee to notify the Senate that the House had completed its business for this session and was ready to adjourn: Representatives Rinks and Boyer.

SELECT COMMITTEE APPOINTMENTS

The Speaker appointed Representatives Kent, McMillan, Scroggs, J. DeBerry, Pruitt, Chumney and Patton to serve on the Ad Hoc Committee on Foster Care with Representative Kent serving as Chair.

The Speaker appointed Representatives Odom, Ford, Sargent, Bowers and Fitzhugh to serve on the Ad Hoc Committee on Pay or Play with Representative Odom serving as Chair.

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The Speaker appointed Representatives L. DeBerry, Caldwell, McCord, Winningham, Brown, Montgomery and Maddox with Mr. Al Mance and Mrs. Jane Walters to serve on the Ad Hoc Committee on Charter Schools with Representative L. DeBerry serving as Chair.

REPORT OF DELAYED BILLS COMMITTEE July 12, 2001

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2041.

Jimmy Naifeh, Speaker
Gene Davidson
Steve McDaniel

RULES SUSPENDED

On motion of Rep. Davidson and seconded by Rep. McDaniel, the rules were suspended to introduce and pass House Bill No. 2041 on first consideration:

***House Bill No. 2041** -- Appropriations - Makes appropriations for fiscal year 2001-2002. by *Kisber.

REGULAR CALENDAR, CONTINUED

House Bill No. 1466 -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by *McMillan, *Naifeh, *Todd, *Hargett, *Stanley, *Kent, *Cole (Carter), *Pleasant, *Odom, *Newton, *Turner (Davidson), *Williams (Williamson), *Jones, S., *Briley, *Fitzhugh, *Shepard, *Turner (Hamilton). (*SB20 by *Kyle, *Person)

Further consideration of House Bill No. 1466 previously considered on today's Regular Calendar.

Rep. McMillan moved that House Bill No. 1466 be reset for the Regular Calendar on the first calendar of 2002, which motion prevailed.

BILLS HELD ON DESK

Rep. Davidson moved that all bills held on the Clerk's desk remain on the desk, which motion prevailed.

MESSAGE FROM THE SENATE
July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 474; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 474 -- General Assembly, Recess & Reconvene - Recesses General Assembly at close of business on July 12, 2001; reconvenes both houses at 12:00 noon (CDT) on August 7, 2001 if Governor vetoes HB 2038 (SB 2000) prior to July 31, 2001; if Governor does not veto such bill, then 2002 session of 102nd General Assembly convenes at 12:00 noon (CST) on January 8, 2002. by *Crutchfield, *Atchley.

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 474 out of order, which motion prevailed.

Senate Joint Resolution No. 474 -- General Assembly, Recess & Reconvene - Recesses General Assembly at close of business on July 12, 2001; reconvenes both houses at 12:00 noon (CDT) on August 7, 2001 if Governor vetoes HB 2038 (SB 2000) prior to July 31, 2001; if Governor does not veto such bill, then 2002 session of 102nd General Assembly convenes at 12:00 noon (CST) on January 8, 2002. by *Crutchfield, *Atchley.

On motion of Rep. Davidson, the resolution was concurred in.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

JOURNAL APPROVED

On motion of Rep. Davidson, the Journal of the House of Representatives and the proceedings thereof were approved from the First Organizational Day through the Sixty-Fifth Legislative Day of the First Regular Session.

MESSAGE FROM THE SENATE
July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 376; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS

July 12, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 376.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

July 12, 2001

The Speaker signed the following: House Bill(s) No(s). 376.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 376; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

July 12, 2001

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 376.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 40, 397, 1668 and 1889; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

SIGNED

July 12, 2001

The Speaker signed the following: Senate Bill(s) No(s). 40, 397, 1668 and 1889.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1944; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 473; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 473 -- General Assembly, Recess & Reconvene - Provides for recess in proceedings of One Hundred Second General Assembly at close of business on , , and reconvenes body on , , at. by *Crutchfield, *Atchley.

ENROLLED BILLS

July 12, 2001

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 181; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

July 12, 2001

The Speaker signed the following: House Resolution(s) No(s). 181.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 413, 690, 1475, 1758, 1808; also, Senate Joint Resolution(s) No(s). 469, 472 and 474 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

July 12, 2001

The Speaker signed the following: Senate Bill(s) No(s). 413, 690, 1475, 1758, 1808; also, Senate Joint Resolution(s) No(s). 469, 472 and 474.

ROLL CALL

The roll call was taken with the following results:

Present95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

Thereupon, in accordance with Senate Joint Resolution No. 474, Rep. Davidson moved that the House stand adjourned. Mr. Speaker Naifeh declared the First Regular Session of the House of Representatives of the One Hundred Second General Assembly adjourned until twelve o'clock noon (12:00) on Tuesday, January 8, 2002.

SPONSORS REMOVED

July 16, 2001

On motion, Rep(s). Hargett was/were removed as sponsor(s) of **House Bill No. 114**.

ENROLLED BILLS

July 17, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1244, 1771, 1944 and 2038.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

July 17, 2001

The Speaker signed the following: House Bill(s) No(s). 1244, 1771, 1944 and 2038.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1244, 1771, 1944 and 2038; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

July 17, 2001

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1244, 1771, 1944 and 2038.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

July 18, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 649, 1403 and 1828, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

July 20, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 588 and 589, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

July 24, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 376 and 1771, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

July 24, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1244, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR
July 26, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2038, with his veto.

JAY BALLARD, Counsel to the Governor.

GOVERNOR'S STATEMENT ON HOUSE BILL NO. 2038

I am vetoing House Bill 2038 / Senate Bill 2000. This bill fails to adequately meet the needs of the citizens of Tennessee.

This budget is fiscally irresponsible. This bill uses one-time money to pay for recurring expenses. In fact, it uses four years of tobacco settlement payments, one of which we have yet to receive, totaling approximately \$557 million, to cover annual expenses. The bill does not provide adequate wage increases for our state employees and does not fund the reading initiative that would help insure that all our children can read by the third grade. Even basic maintenance of many of our state's buildings is omitted from this budget.

More than two years ago, we set upon a course to correct the state's ever worsening fiscal crisis while continuing to fund the state's essential services and invest for the future. While we have yet to solve the state's revenue crisis, it is imperative that we continue to provide leadership for the people in our state—that we pass a budget that is forward looking and makes investments for our children. We can, and simply must do better than this budget.

Each legislator takes an oath that he or she will not propose or assent to any bill that appears "injurious" to the people. I believe that this bill is certain to cause our great state irreparable injury and puts our state on the path toward disaster. Our citizens want us to lead our state out of this crisis. Our citizens deserve a better budget. I am, therefore, returning House Bill 2038 / Senate Bill 2000 with my veto.

COMMUNICATION

July 26, 2001

Dear House Members:

The House will officially convene in regular session on Tuesday, August 7, 2001 at noon.

As you may recall, on the last day the Legislature was in session, a recess resolution was adopted. This recess resolution provided that if the Appropriations bill (House Bill 2038) was vetoed then the House and Senate would stand in recess until August 7, 2001 at noon. Otherwise, the recess would be until January 8, 2002.

THURSDAY, JULY 12, 2001 – SIXTY-FIFTH LEGISLATIVE DAY

On Thursday July 26, 2001 the Governor vetoed the Appropriations Bill (House Bill 2038).

Therefore, the House will convene in session at noon on Tuesday August 7, 2001.

Sincerely,

Jimmy Naifeh
Speaker of the House